GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:5348
ANSWERED ON:29.04.2005
APPOINTMENT OF NOTARIES
Mehta Shri Alok Kumar;Pingle Shri Devidas Anandrao;Shaheen Shri Abdul Rashid

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the norms fixed by the Government for appointment of Notary Public;

(b) the number of applications received by the Government for appointment of Notary Public during each of the last two years, State-wise;

(c) the number of persons appointed as Notary Public out of the above;

(d) whether the number of applications of Notary Public are lying pending with the Union Government sent through the Members of the Parliament from the last three years till date;

(e) if so, the reasons for their pendency;

(f) the time by which those are likely to be cleared?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW & JUSTICE (SHRI K. VENKATAPAHY)

(a): The norms for appointing a Notary Public are laid down under the Notaries Act,1952 and the Notaries Rules, 1956. Under Section 3 of the said Act, the Central Government as well as the State Governments are empowered to appoint Notaries. The Central Government has power to appoint Notaries for the whole or any part of India, whereas a State Government is empowered to appoint Notaries for whole or any part of the State concerned. Under Rule 3 of the Notaries Rules, a person from amongst legal practitioners may apply for appointment as a notary, if he had been praetisingat leastfor 10 years. In case the applicant for notaryship is a person belonging either to the Scheduled Castes, Scheduled Tribes and Other Backward Classes or a woman, then the condition for eligibility for appointment as a notary is 7 years of legal practice. A person is also eligible for appointment as a notary if he has been a member of Indian Legal Service under the Central Government or if he has been for ten years, a member of Judicial Service, or held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an Advocate or held an office in the Department of Judge Advocate General or in the legal department of the Armed Forces. The eligible persons may apply for appointment as notary on a prescribed form i.e. Memorial, which has to be countersigned by a Magistrate, a NationalizedBank Manager, a Merchant and two prominent local residents. The Competent Authority,appointed by the Central Government,thereafter examines the Memorial and calls for comments/objections from the State Bar Council where the memorialist is enrolled as an advocate .The applicant is also requested to submit an affidavit deposing that he is neither a notary already appointed by any State Government nor his application for appointment as Notary is pending with the concerned State Government and also state the number of courts and the number of notaries in the desired area of practice. After considering the objections and the various facts mentioned in Rule 7 of Notaries Rules, a decision to recommend for appointment or otherwise of the applicant is taken by the Competent Authority. On receipt of the report of the Competent Authority, the Central Government after considering the same takes an appropriate decision.

(b): The State-wise applications received by the Government for appointment as Notary Public for last two years as the Statement marked as annexed `A`.

(c): the number of persons appointed as Notary Public out of these applications are as per the Statement marked as annexed.`B`.

(d): During the years 2002, 2003 & 2004 the Government has appointed 305,160 & 255 notaries respectively. The process for appointment is that on receipt of an application the applications shall be examined by the Competent Authority if he is satisfied that the applicant does not possess the qualifications specified in Rule 3,or that any previous application of the applicant for appointment as a notary was rejected within six months before the date of application, shall reject it and informed the applicant accordingly. If the Competent Authority does not reject the application, he may if he thinks fit, seeking comments from Bar Council, Bar Association etc. in the area where the applicant proposes to practice, the objections if any to the appointment of the applicant as notary. The applicant is also requested to submit an affidavit. The number of application being large completing all the process in respect of each application takes sometime.

(f): As soon as the necessary informations/affidavits in respect of applicants are received.